



UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY



SEP 16 1999

Colorado Department  
of Public Health  
and Environment

Mr. Joseph A. Legare  
Department of Energy  
Rocky Flats Field Office  
P.O. Box 928  
Golden, CO 80402-0928

SEP 13 1999

**Re: Milestone Extension Request for the Solar Ponds Plume and the East Trenches Plume Projects**

Dear Mr. Legare:

EPA and CDPHE have reviewed your letter dated August 31, 1999, in which DOE is requesting an undetermined extension to milestones M4 and M5; the Solar Pond Plume and East Trenches Plume Projects. As we have recently seen first hand, DOE's contractors are making good progress, and in fact, most of the contaminated groundwater is already being collected and treated at both of these important projects. Installation of these groundwater collection and remediation systems in unstable hillsides provides a challenging and somewhat unpredictable working environment. As you stated in your letter, and in spite of recent safety issues, there still remains a good possibility that one or both of these milestones will be achieved. Although your request was timely, we have determined that it is not based on "good cause" as defined in RFCA, paragraph 166. The instability of the hillside was foreseeable based on past experience. While this has been a wet year, Colorado weather is inherently variable, and this year's precipitation has not been so extreme as to constitute: "adverse weather conditions that could not reasonably be anticipated" as per paragraph 171 of RFCA. Therefore, we have concluded that there is not adequate justification for extending the milestones.

If you have any comments or questions regarding these matters, please contact Gary Kleeman at 312-6246.

Sincerely,

Tim Rehder,  
U.S. Environmental Protection Agency

Steven Gunderson,  
Colorado Department of Public  
Health and Environment

**ADMIN RECCRD**

1101-B-00047



Joe Legare DOE  
cc: Norma Castaneda, DOE  
Carl Spreng, CDPHE  
Lane Butler, Kaiser-Hill  
Annette Primrose, RMRS  
Dave Shelton Kaiser-Hill

